

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

12 CV 04652

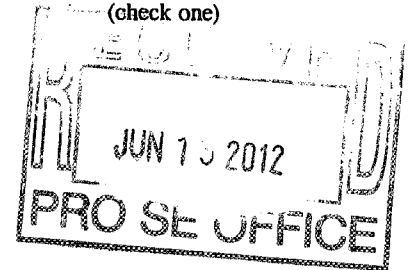
Mr. Eddie C. Cash

(In the space above enter the full name(s) of the plaintiff(s).)

COMPLAINT

-against-

My Michael Brown: On 12/14/20
11, And on 12/15/2011, My boss
the owner Michael Brown, Called
me Bubba. I told him that my
name was not Bubba, my name
is Eddie. And don't call
me Bubba. He told me that
he called me that because he thought
I was from the South. Since I called
him Mr. Mike. I quit my job that week.

Jury Trial: ☐ Yes ☐ No
(check one)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name Eddie Cash
Street Address 1871 79th St 7E
County, City NY NY Man
State & Zip Code 10026
Telephone Number (212) 749-9424

- B. List all defendants. You should state the full name of the defendant, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name Mr Michael Brown
 Street Address 954 57 3rd Ave
 County, City New York New York Man
 State & Zip Code NY NY
 Telephone Number _____

Defendant No. 2 Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____
 Telephone Number _____

Defendant No. 3 Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____
 Telephone Number _____

Defendant No. 4 Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____
 Telephone Number _____

II. Basis for Jurisdiction:

Federal courts are courts of limited jurisdiction. Only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case.

A. What is the basis for federal court jurisdiction? (*check all that apply*)

☐ Federal Questions

☐ Diversity of Citizenship

B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue? _____

C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state(s) of citizenship _____

Defendant(s) state(s) of citizenship _____

III. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

- A. Where did the events giving rise to your claim(s) occur? 954 3rd ave
Naked Pizza Where i was a Delivery Guy.
- B. What date and approximate time did the events giving rise to your claim(s) occur? December
14 2011 and on December 15 2011.

- C. Facts: I was at work on December 14 2011
Mr Michael Brown called Bubba. He said
Hey Bubba you got a Delivery coming out.
I said why would you call me Bubba and you
know my name is Eddie and after my love and
affection for you know Bubba and started laughing.
The next day I told Mr Lee a manager
he said he would talk to him then I told the owners and got
Mr Lee was there. the second day Mr Page
another worker. I

What
happened
to you?

Who did
what?

Was anyone
else
involved?

Who else
saw what
happened?

- Mr Lee Mr Page Mr Cruz Mr Mitchell saw
one of the owners But said he did not hear
him and that made me quite. Because if you
will lie about something like that not telling
what else you might do. All this happened on emerg
IV. Injuries: I quite the next day December 15, 2011

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

- This has made me depressed and
I am suffering from Mental anguish that because
I was in a Back to work program that one the
owners because he has money can get away
with calling me a Racist Name (Bubba) because
he has money. But He gets Federal grants from
these programs, F.E.G. Back to work in how
I go to this. I cant afford to go to a Psychiatrist
after that and a few other things I need to talk
to one. This was a case of Racism at its worst,

I declare under penalty of perjury that the foregoing is true and correct.

Signed this _____ day of _____, 20____

Mailing Address

Telephone Number

Fax Number (if you have one)

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint. Prisoners must also provide their inmate numbers, present place of confinement, and address.

For Prisoners:

I declare under penalty of perjury that on this _____ day of _____, 20____, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff:

Inmate Number



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
New York District Office

33 Whitehall Street, 5th Floor
New York, NY 10004-2112
(212) 336-3620
TTY (212) 336-3622
General FAX (212) 336-3625

Eddie Cash
1871 7th Ave
New York, NY 10026

Re: Eddie Cash v. Naked Pizza
Charge No: 520-2012-00734

Dear Mr. Cash:

The Equal Employment Opportunity Commission (hereinafter referred to as the "Commission") has reviewed the above-referenced charge according to our charge prioritization procedures. These procedures, which are based on a reallocation of the Commission's staff resources, apply to all open charges in our inventory and call for us to focus our limited resources on those cases that are most likely to result in findings of violations of the laws we enforce.

In accordance with these procedures we have evaluated your charge based upon the information and evidence submitted. You allege that you were discriminated and retaliated against due to your race in violation of Title VII of the Civil Rights Act of 1964, as amended.

You claim that your supervisor called you "Bubba" on two occasions and you told him your name is not Bubba, its Eddie. You quit your job a few days later.

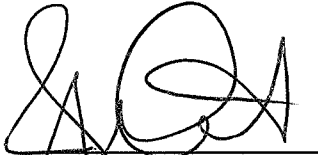
There is no evidence that you were discriminated against due to your race. Per your admission, your supervisor stated that he called you Bubba because he thought you were from the south. This does not rise the level of a severe or pervasive hostile work environment based on race.

Based upon an analysis of the information submitted to us, the Commission is unable to conclude that the information establishes that a violation of Federal Law on the part of Respondent. This does not certify that Respondent is in compliance with the statutes. No finding is made as to any other issue that might be construed as having been raised by this charge.

The Commission's Processing of this charge has been concluded, included with this letter is your Notice of Right to Sue. Following this dismissal, you may only pursue this

matter by filing suit against the Respondent named in the charge within 90 days of receipt of said notice. Otherwise, your right to sue will be lost. Please contact Federal Investigator Jeanette Wooten at (212) 336-3753 if you have any questions.

Sincerely,


Kevin Berry
District Director

for

Date 3/7/12

Enc

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Eddie C. Cash**
1871 7th Avenue
New York, NY 10026

From: **New York District Office**
33 Whitehall Street
5th Floor
New York, NY 10004



On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

520-2012-00734

Jeanette P. Wooten,
Investigator

(212) 336-3753

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Kevin J. Berry
 Kevin J. Berry,
 District Director

3/7/12
 (Date Mailed)

Enclosures(s)

cc: **NAKED PIZZA**
Attn: Owner/Operator
954 3rd Avenue
New York, NY 10822

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
the Genetic Information Nondiscrimination Act (GINA), or the Age
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** -- not 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

I feel He had something against me
 Why would he say hey Bubba you
 got a Delivery coming out Delivery
 coming out Bubba, I asked why would
 you call me bubba and my name Eddie
 and you know my name is Eddie and
 its on the Board, you know for my
 Love and affection for you (Bubba)!
 Mr Michael Brown said, December
 14 2011. Then on December 15 2011 I
 told the manager Mr Lee he said he
 would talk to them the same day talk
 to one of the other owners that's
 a Lawyer about what happened and Mr
 Brown got mad he started say But you
 call me Mr Mike oh I thought you
 was from the South, I said why
 Because I say Mr. I felt he
 Because I got this job & threw a
 F.E.G. Back to work and I was
 always on time and he could^{not} find
 nothing wrong with the way I work
 he felt he could say whatever
 he wanted to me and get away with

I didn't have a mail Box Key
at time when the letter came
about me Sueing. I had my mother
Read it to me Because I was
out of Town at the time. I might
Be a day or two late But I don't
know what day it came I know
She called and told it was there.
I Fell Like ^{this} case should Be heard
Because the way Mr Michael Brown
did it. ~~It~~^{he} was wrong and it was done
on Camera it was a racist remark,
I was always on time never called
out I would have never Quite But
when one of the other Owners was
standing right there and said he
didn't it on camera if he would Lie
about something like that what else
would he Lie about his Name is Mr
Mitchell. I don't have any one
willing to come help me Because
they think they might Lose there
JOB

Because, I was discriminated. Do to my race, and against my race.

In violation of title VII of the civil rights act, as amended. Mr. Michael Brown, said hay bubba, delivery coming out.

You got delivery bubba. 12/14/2011. And on 12/15/2011.

The matter got worst. So is quit working, at Naked pizza.

I know I am a hard worker and
would have stayed at this job.
Would have called Bubba in front
of Corporate I don't think ^{so} I know
he wouldn't have called me name
that's not my name. This was
wrong!!

Eddie Cash
6/13/12